IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 30594 of 2007(P)

PETITIONER:

RATHEESH T.NAIR,
VILANGIL HOUSE, VAYYATTUPUZHA P.O.,
(VIA) CHITTAR, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENTS:

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1. MANAGER, V.K.N.M.HIGH SCHOOL,
VAYYATTUPUZHA, PATHANAMTHITTA.

2. DISTRICT EDUCATIONAL OFFICER,
PATHANAMTHITTA.

3. DEPUTY DIRECTOR OF EDUCATION,
PATHANAMTHITTA AT THIRUVALLA.

4. DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

5. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

R2 TO R5 BY GOVT. PLEADER SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P (C).NO. 30594 OF 2007 - P

Dated this the 16th day of October, 2007

J U D G M E N T

The petitioner claims to be the legal heir of late V.R.Thankappan Nair, who died while in service of the first respondent as Peon in the V.K.N.M.High School, Vayattupuzha, Pathanamthitta on 20.10.1995. At the time of death of the said employee, the petitioner was a minor and he attained majority in the year 2000. By Ext.P1 application, the petitioner requested the first respondent- Manager to give him employment under Rule 51B of Chapter XIVA of the Kerala Education Rules. The first respondent did not take any action on Ext.P1 on the ground that there was no vacancy at that time. When a vacancy arose on 1.4.2007, consequent to the retirement of one Sri.Gopinathan Nair, the petitioner filed an application dated 23.11.2006 for appointment to that post. This was followed up by Ext.P3. The petitioner seeks a direction to the second

respondent to consider the petitioner's claim and to issue appropriate direction to the first respondent to appoint the petitioner in the vacancy which has arisen.

2. I have heard the learned Government Pleader also. In the nature of the order I propose to pass, I do not think that it is necessary to issue notice to the first respondent at this juncture.

3. In the facts and circumstances of the case, there would be a direction to the second respondent to consider Ext.P3 submitted by him along with Exts.P1 and P2 applications already submitted by the petitioner. This shall be done within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED: 07-09-2007